

of their respective constitutional spheres of action. For such cases, *when they come within judicial cognizance*, a provision has been made for a *common arbiter*. That common arbiter is in such cases, the Supreme Court of the *United States*. That Court has frequently decided both that laws of Congress and laws of the several States have transgressed the limits of their respective powers, and has pronounced such laws, whether passed by Congress or the States, *null and void*. And to such decisions every good citizen will, as he is bound to do, yield his respectful obedience. Here, for such cases, is a remedy provided.

But then there may be cases of conflict between these two jurisdictions, over which the Supreme Court has no jurisdiction, and which by no process can be brought before that august tribunal. Who then is the common arbiter? In answer to this question, permit me to read what was said by John Quincy Adams in an address delivered before the New York Historical Society on the 30th of April, 1839, in commemoration of the 50th anniversary of the inauguration of George Washington, as President of the United States.

In such cases as that, some gentlemen have said, and a certain class of politicians in the country have declared that the only remedy is coercion, which we are now trying. But the course which true patriotism seems to me to dictate, is that which has been laid down by this eminent statesman and patriot of Massachusetts, who in that address declares :

"Nations acknowledge no judge between them upon earth, and their governments from necessity must, in their intercourse with each other, decide when the failure of one party to a contract to perform its obligations absolves the other from the reciprocal fulfilment of his own. But this last of earthly powers is not necessary to the freedom and independence of States connected together by the immediate action of the people of which they consist. To the people alone is there reserved, as well the dissolving as the constituent power, and that power can be exercised by them only under the tie of conscience, binding them to the retributive justice of Heaven. With these qualifications, we may admit the same right as vested in the people of every State in the Union, with reference to the General Government, which was exercised by the people of the United Colonies with reference to the supreme head of the British

Empire, of which they formed a part, and under these limitations have the people of each State in the Union a right to secede from the Confederated Union itself. Thus stands the right."

This puts it upon the ground of revolution, the same as the colonies adopted in their revolution against the oppressions of the crown of Great Britain.

"But the indissoluble link of union between the people of the States of this confederated nation is, after all, not in the right but in the heart. If the day should ever come, (may Heaven avert it) when the affections of the people of these States shall be alienated from each other; when the fraternal spirit shall give way to cold indifference, or collision of interest shall fester into hatred, the bands of political association will not long hold together parties no longer attracted by the magnetism of conciliated interests and kindly sympathies; and far better will it be for the people of the disunited States to part in friendship from each other, than to be held together by constraint. Then will be the time for reverting to the precedents which occurred at the formation and adoption of the Constitution to form again a more perfect union by dissolving that which could no longer bind, and to leave the separated parts to be reunited by the laws of political gravitation to the centre."

This is the mode, in the emergency which I have presented, which John Q. Adams declared to be the course of true patriotism. Another distinguished son of Massachusetts has also solemnly declared his opinion of the propriety of that course. I refer to the letter of Mr. Everett, accepting the nomination as candidate for the Vice Presidency of the United States in 1860 :

"The suggestion that the Union can be maintained by numerical preponderance and military prowess of one section, exerted to coerce the other into submission is, in my judgment, as self-contradictory as it is dangerous. It comes loaded with the death-smell from fields wet with brother's blood. If the vital principle of all republican governments is the consent of the governed, much more does a union of coequal sovereign States require as its basis the harmony of its members and their voluntary co-operation in its organic functions."

To the same effect is the doctrine of Mr. Seward, the present Secretary of State, in his letter of April 10th, 1861, directed to